

FINDING OF NO SIGNIFICANT IMPACT

PN-FONSI-04-12

Minidoka North Side Resource Management Plan (RMP)

Introduction

The Bureau of Reclamation (Reclamation), Snake River Area Office has completed a planning and public involvement process for the purpose of preparing a Resource Management Plan (RMP) for the administration of resources, facilities, and access to lands located at the Minidoka North Side. There is no resource plan for Reclamation's Minidoka North Side lands. Reclamation's resource policy is to provide a broad level of stewardship to ensure and encourage resource protection, conservation, and multiple use, as appropriate. Management practices and principles established in the RMP provide for the protection of fish, wildlife, and other natural resources; cultural resources; public health and safety; and practicable uses of Reclamation lands and water areas, public access, and outdoor recreation. The RMP addresses current issues and identifies goals and objectives for future management of Reclamation lands and waters within the RMP Study Area.

The National Environmental Policy Act (NEPA) of 1969 requires Reclamation to explore a range of possible alternative management approaches and analyze the environmental effects of these actions. Scoping activities were conducted prior to development of the Draft Environmental Assessment (EA) to gather input on issues to be considered in the formulation of management alternatives. A Draft EA evaluating the effects of a No Action and Preferred Alternative was distributed for public review in June 2003.

Alternatives Analyzed in the Draft EA

Reclamation began the public involvement process with a scoping meeting held on March 6, 2002, in Burley, Idaho. The meeting was announced in the general area newspapers and through a newsletter sent to user groups, nearby residents, and agencies. An Ad Hoc Work Group (AHWG) was formed to identify issues and assist in development of RMP alternatives. A Preferred Alternative was identified and refined through this process. An Alternative A—No Action: Continuation of Existing Management Practices; Alternative B—Preferred Alternative: Restoration Protection/Enhancement Emphasis; and Alternative C—Multiple Use Emphasis, were addressed in the Draft EA. Alternative B, the Preferred Alternative identified in the Draft EA, is presented in the Final EA.

Proposed Action

The proposed Federal action is implementation of the Preferred Alternative as presented in the Final EA. The Preferred Alternative emphasizes natural and cultural resource enhancement while maintaining current recreational opportunities on Minidoka North Side land parcels. Some

facility improvements are proposed. The Preferred Alternative will be used as the guide for future use, management, and site development of Reclamation lands and resources on the Minidoka North Side. The RMP contains management goals and objectives, and specifies desired land use patterns and resource management. The RMP addresses the policies and actions that would be implemented or allowed during the 15-year life of the plan to achieve identified goals and objectives.

Consultation and Coordination

Public

The goal of the public involvement and scoping process was to notify and inform all interested parties, including the local communities. The process ensured that all parties had ample opportunity to express their interests, concerns, and viewpoints, and to comment on the plan as it was developed. Reclamation's public involvement process involved the following key components:

- **Newsbriefs**—A newsletter was initially mailed to nearly 200 user groups, nearby residents, and agencies. The mailing list was expanded as more interested parties were identified. Three newsbriefs were issued during the RMP process, with a fourth being released upon completion of the RMP and Final EA.
- **Public Meetings/Workshops**—Three public meetings were held during the RMP/EA process in Burley, Idaho. The first meeting was held early in the process to solicit public input (scoping) related to issues and opportunities. The second public meeting was held March 2003 to further refine the alternatives. The final public meeting was in April 2004 to hear and address final public comments on the Draft EA.
- **Ad Hoc Work Group**—This group consists of 21 representatives from interested groups and agencies. They met seven times throughout the RMP development process to identify issues, and assist with RMP update and alternatives development.
- **RMP Study Web Site**—Newsbriefs, draft materials, and meeting announcements were continuously posted and updated throughout the RMP/EA process at a dedicated web site: <http://www.pn.usbr.gov>. Final materials will also be posted at this site.
- **News Releases**—Periodically, Reclamation prepares RMP news releases for distribution to local media, which generally results in press coverage of the process and public notification.

U.S. Fish and Wildlife Service (FWS)

The evaluation of listed species contained in the Final EA serves as Reclamation's biological assessment as required under the Endangered Species Act (ESA). It evaluates impacts to listed species, and species proposed for listing, including Ute ladies'-tresses orchids, bald eagles, yellow-billed cuckoo, pygmy rabbit, and three listed snail species. Reclamation has determined that the Preferred Alternative will have no effect on Ute ladies'-tresses orchids, bald eagles, yellow-billed cuckoo, pygmy rabbit, and three listed snail species. No currently listed species

occur in the action area. Because of Reclamation's no effect determination, no formal consultation is required.

National Oceanic and Atmospheric Administration

National Marine Fisheries Service (NOAA Fisheries)

The Preferred Alternative to implement the RMP does not involve a change in reservoir operations. No ESA listed anadromous fish are known to occur within the Study Area, precluding the need to consult with NOAA Fisheries.

Idaho State Historic Preservation Officer

Reclamation collected existing cultural resource information from the Minidoka North Side to prepare the EA, and to facilitate subsequent compliance with the National Historic Preservation Act (NHPA). Compliance with NHPA requires agencies to consult with Native American Tribes if a proposed federal action may affect properties to which they attach religious and cultural significance. Coordination with the Idaho State Historical Preservation Office occurred in conjunction with public review of the Draft EA. Future activities in response to specific RMP prescriptions will require consultations with the SHPO and the Tribes pursuant to NHPA and the 36 CFR 800 implementing regulations.

Tribal Consultation and Coordination

Consultation with Tribes

Reclamation has provided information regarding the RMP process through meetings and letters to the Fort Hall Business Council of the Shoshone Bannock Tribes, the Tribal Council of the Shoshone-Paiute Tribes, the Tribal Council of the Northwestern Band of the Shoshone Nation, the Natural Resources Committee of the Nez Perce Tribe, and the Tribal Council of the Burns Paiute Tribe. Tribal representatives that received the Final EA are listed in Chapter 7, Distribution List.

Indian Sacred Sites (Executive Order 13007)

Reclamation has informed the Shoshone-Bannock and Shoshone-Paiute Tribes about the RMP through written notifications and meetings. As part of their review of the Draft EA, Tribes have had an opportunity to provide specific comments about Indian sacred sites that might be located in the RMP study area.

Indian Trust Assets

Reclamation coordinated with the Shoshone-Bannock and Shoshone-Paiute Tribes to identify Indian Trust Assets (ITA's). ITA's are discussed in the RMP Final EA, Chapter 3, Section 3.16.

Summary of Public Comments

The Minidoka North Side RMP Draft EA was released for public review in early April, 2003, with a 45-day comment period ending May 20, 2004. By the end of the public comment period, four individual or group comments were received. Overall, there were few comments regarding the analysis of environmental impacts in the Draft EA. Nearly all comments pertained to elements of the Preferred Alternative that respondents either favored, requested clarification on, or pointed out inconsistencies. The four comment letters received from respondents are provided in Appendix C of the RMP Final EA, accompanied by Reclamation's responses.

Changes in the Final EA

As indicated in the previous section, there were minimal changes from the Draft EA based on public comments received. Changes were made in the Wildlife Affected Environment section that resulted in updating the list of species within the study area, as well as some clarifying statements concerning Utah Valvata habitat requirements. A number of minor changes were also included to better describe where camping is, or is not, allowed. Lastly, some changes were made regarding cultural resources that corrected minor errors or further clarified Reclamation's cultural resource protection responsibilities.

Summary of Environmental Impacts

The following subject areas were analyzed for the Preferred Alternative in the RMP Final EA.

- **Soils**—Existing erosion and soil productivity losses would be reduced with implementation of the Preferred Alternative compared to the other alternatives. This improvement would come mainly from improved off-road vehicle management and Access Management Plan development, a more active weed control program, better trespass management, fire plan implementation, proactive improvement of habitat, and management of recreation and recreation sites.
- **Water Quality and Contaminants**—Implementation of the Preferred Alternative will result in similar benefits to water quality as the other alternatives because drain water wetlands will continue to occur. However, there is a greater focus under the Preferred Alternative to improve/increase wetlands habitat value.
- **Vegetation**—The Preferred Alternative focuses on the protection and enhancement of natural resource values. This would be a priority for all activities, which would minimize or avoid many of the impacts on native plant communities associated with the other alternatives. Actions that would only be implemented under Proposed Action if they did not result in impacts to native plants include new agricultural leases, considerations of new grazing leases, siting of sand and gravel extraction sites, and the location of drain water wetlands. Better management and enforcement of ad hoc camping and day use to protect natural resources, decreased ORV use, and efforts to eliminate current and prevent future trespass and encroachment onto Reclamation lands would benefit native plants. This priority also extends to the protection of rare and sensitive species.

- **Wildlife**—The Preferred Alternative focuses on the protection and enhancement of natural resource values. This would be a priority for all activities, which would minimize or avoid many of the impacts to wildlife associated with the other alternatives. Several actions under Alternative A would only be implemented under the proposed action if they did not result in impacts to natural resources, including wildlife and wildlife habitat. These actions include new agricultural leases, consideration of new grazing leases, siting of sand and gravel extraction sites, the location of drain water wetlands, better management and enforcement of ad hoc camping, day use and ORV use to protect natural resources, and efforts to eliminate current and prevent future trespass and encroachment onto Reclamation lands. The natural resource protection priority under the Preferred Alternative generally means that lands with higher wildlife habitat values would not be converted to or degraded by other uses.
 - a. Reclamation will consider livestock grazing on 330 acres.
 - b. Reclamation will attempt to improve wildlife habitat at existing and new drain well wetlands.
 - c. Greater emphasis will be placed on habitat improvements in the fire management plan.
 - d. Reclamation may negotiate new management contracts with Idaho Department of Fish and Game (IDFG).
 - e. Reclamation will develop an Access Management Plan designed to protect and enhance natural resources.
 - f. The priority for natural resource protection will extend to rare and sensitive species.
- **Aquatic Biology**—Implementation of the Preferred Alternative will result in the development of additional drain water wetlands with emphasis put on establishing high quality habitat.
- **Threatened, Endangered, Candidate and Proposed Species**—Reclamation has determined that the proposed action would have no affect on the identified listed species.
- **Recreation and Access**—The Preferred Alternative contains several actions that would maintain current and recreational opportunities and provide minimal increased recreation facility capacity. Identifying a public entity non-Federal partner to provide more active management and facilities, as proposed in the Proposed Action, would likely have a beneficial impact to recreation resources in management could be provided that is consistent with Reclamation's goals and objectives for the adequate provision and maintenance of recreation resources.
 - a. Reclamation will prepare and implement and Access Management Plan.
 - b. Reclamation will prepare a Historic Preservation and Maintenance Plan for Lake Walcott State Park.
 - c. Under the Proposed Action there will be a focus on increased recreation facility capacity and management oversight at Bishop's Hole and selected day use sites.

- **Land Use and Management**—Land use and management actions will be made with emphasis on maintaining or increasing natural resource quality.
 - a. New agricultural and grazing leases would be granted for over-riding Project benefits and where water rights are legally appropriated. However, these leases would only be authorized if they would not result in impacts to natural or cultural resources, or to threatened and endangered species.
 - b. Under the proposed action, trespass and encroachment issues will be directly and proactively addressed.
- **Socioeconomics**—The Proposed Action will have little or no direct effect on the local economy, employment, population or demographics. No impacts are expected to result from the Preferred Alternative.
- **Public Services and Utilities**—The Proposed Action will not adversely impact public services or utilities. It will either not affect or improve relevant public services and utilities.
- **Environmental Justice**—The Proposed Action is not expected to affect environmental justice.
- **Cultural Resources**—Under the Proposed Action, Reclamation is required to take into account the effects of its actions upon cultural properties. Reclamation will undertake proactive management of cultural resources; further efforts would be made to actively manage resources other than cultural resources in a manner that would benefit cultural resources.
- **Indian Sacred Sites**—Executive Order 13007 does not authorize agencies to mitigate for the impact of their actions upon Indian sacred sites. However, it does direct them to avoid adverse impacts whenever possible. Reclamation will consult with tribes prior to the initiation of any activity that could impact Indian sacred sites.
- **Indian Trust Assets**—There is no universally accepted understanding as to the specific treaty rights to hunt and fish in the vicinity of the Minidoka North Side lands since there has not been a settlement with either the Nez Perce, Shoshone-Bannock or the Northwestern Band of the Shoshone Bannock Tribes. There are no significant impacts to the right to hunt, fish, or gather under the Proposed Action.

Environmental Commitments

Reclamation will implement the environmental commitments listed in the Final EA to avoid or minimize effects to resources from RMP implementation activities. These activities include BMP's as well as mitigation measures for protection of certain resources.

Best Management Practices

BMP's for the following categories will be implemented as specified in the Final EA:

- Landscape Preservation and Impact Avoidance
- Erosion and Sediment Control
- Biological Resource
- Site Restoration and Revegetation
- Pollution Prevention
- Noise and Air Pollution Prevention
- Cultural Resource Site Protection
- Miscellaneous

Mitigation Measures

Mitigation measures are environmental commitments intended to compensate for impacts that cannot be avoided through implementation of BMP's.

- **Soils**—All roads, trails, and new or upgraded facilities shall employ designs that will not contribute to short- or long-term soil loss during and following construction and revegetation.
- **Vegetation**—In addition to increased noxious weed control, all disturbed sites will be reseeded and monitored for weed growth. Any potential grazing activities will be conducted at specific times so as to avoid damage to native plants.
- **Threatened, Endangered, Proposed, and Candidate Species**—Site clearances for pygmy rabbits will be required following established protocols in all parcels with potentially suitable habitat before any activities that may be undertaken or permitted. In addition, Reclamation will prepare and enforce an Access Management Plan. This will reduce impacts to pygmy rabbits.
- **Cultural Resources**—Mitigation will occur if cultural resources are present that are eligible for the National Register, and if they are being adversely impacted by reservoir operations or land uses or are being damaged by natural agents. If an action is planned that could adversely impact historic properties, Reclamation would investigate options to avoid the site.

Finding

Based on the analysis of the environmental impacts in the EA, environmental commitments to avoid and reduce impacts, and consultation with potentially affected tribes, agencies, organizations and the general public, Reclamation concludes that implementing the Preferred Alternative, with changes described in the Final EA, would not have a significant impact on the quality of the human environment or the natural and cultural resources in the project area. The RMP will serve as a detailed guide for the future use, management, and site development of Reclamation lands and resources at land parcels on the Minidoka North Side. Additional NEPA documentation will be prepared for site-specific RMP actions.

This **Finding of No Significant Impact** has therefore been prepared and is submitted to document environmental review and evaluation in compliance with NEPA.

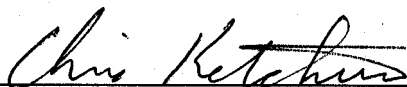
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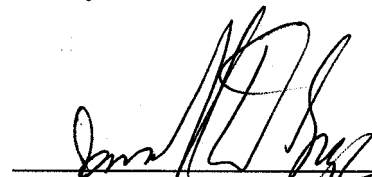
Nov, 8, 2004

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